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13 Attorneys for Plaintiffs  
14 CLAUDIA SANCHEZ, ERIN WALKER  
and WILLIAM SMITH

15  
16 UNITED STATES DISTRICT COURT

17 FOR THE NORTHERN DISTRICT OF CALIFORNIA

18 CLAUDIA SANCHEZ, ERIN WALKER  
19 and WILLIAM SMITH, as individuals, and  
20 on behalf of all others similarly situated,

21 Plaintiffs,

22 v.  
23

24 WELLS FARGO & COMPANY; WELLS  
25 FARGO BANK, N.A.; and DOES 1 through  
125,

Defendants.

Civil Case No.: C-07-5923 MJJ

CLASS ACTION

**STIPULATION AND [PROPOSED]  
ORDER TO STAY CASE**

Hon. Martin J. Jenkins

Complaint filed: November 21, 2007

1           WHEREAS, plaintiffs Claudia Sanchez, Erin Walker, and William Smith served  
2 defendants Wells Fargo & Company and Wells Fargo Bank, N.A. (collectively “Wells Fargo”)  
3 with the Complaint in this action on December 11, 2007, and December 12, 2007, respectively.

4           WHEREAS, on November 2, 2007, the San Diego Superior Court approved a  
5 settlement agreement and entered final judgment in *Smith v. Wells Fargo Bank*, No. GIC  
6 802664. The settlement agreement in *Smith* is between Wells Fargo and a certified plaintiff  
7 class that potentially includes and affects the three plaintiffs in this case.

8           WHEREAS, on November 19, 2007, plaintiff Sanchez moved the *Smith* court to  
9 vacate the entry of judgment in the *Smith* action and reject the settlement agreement on due  
10 process grounds. Sanchez has noticed that motion for hearing by the *Smith* court on February 1,  
11 2008. It is Wells Fargo’s position that if plaintiff Sanchez is unsuccessful in vacating the *Smith*  
12 settlement, the judgment in *Smith* approving the settlement agreement (and its accompanying  
13 release of claims) bars plaintiffs Sanchez, Walker, and Smith from pursuing their claims here.  
14 Plaintiffs dispute that position.

15           WHEREAS, the outcome of Sanchez’s motion to vacate the *Smith* judgment will,  
16 in large part, dictate the early procedural course of this case. The parties accordingly agree that  
17 it would be in the interests of fairness and judicial economy to stay this action until the *Smith*  
18 motion is decided. *See Leyva v. Cetified Grocers of Cal., Ltd.*, 593 F.2d 857, 863 (9th Cir.  
19 1979) (“A trial court may, with propriety, find it is efficient for its own docket and the fairest  
20 course for the parties to enter a stay of an action before it, pending resolution of independent  
21 proceedings which bear upon the case.”).

22           IT IS HEREBY STIPULATED by and between the Parties that, subject to the  
23 Court’s approval, this action is stayed pending entry of a final order on plaintiff Claudia  
24 Sanchez’s pending Motion to Vacate Class Action Judgment in *Smith v. Wells Fargo Bank*, No.  
25 GIC 802664 (San Diego Superior Ct.) (the “*Smith* Order”).

26           IT IS FURTHER STIPULATED by and between the Parties that, subject to the  
27 Court’s approval, the answer or other response of defendants Wells Fargo & Co. and Wells

1 Fargo Bank, N.A. to plaintiffs' Complaint in this action shall be due 30 days from entry of the  
2 *Smith* Order.

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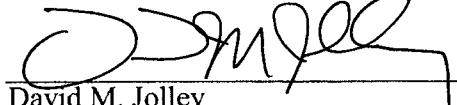
4 DATED: December 21, 2007

COVINGTON & BURLING LLP

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By:   
David M. Jolley  
Attorneys for Defendants

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DATED: December 21, 2007

McCUNE & WRIGHT, LLP

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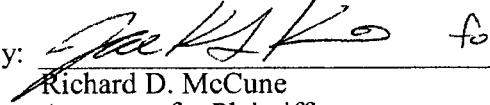
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By:   
Richard D. McCune  
Attorneys for Plaintiffs

**IT IS SO ORDERED.**

DATED: December \_\_, 2007

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Hon. Martin J. Jenkins